

RCRA REVISION CHECKLIST 194

Mixture and Derived-From Rules Revision II

66 FR 50332-50334

October 3, 2001

(RCRA Cluster XII, HSWA/Non-HSWA)

Name of State: _____

State Statutory Authority: _____

Title of Regulations: _____ Effective Date: _____

Date Checklist Completed: _____

Notes: The addition of 40 CFR 261.3(g)(4) is promulgated pursuant to HSWA. The HSWA revision is considered less stringent than the existing Federal regulations and, therefore, is immediately effective only in those States not authorized for the base RCRA program. HSWA provisions are identified by a "◆" (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A – GENERAL

DEFINITION OF HAZARDOUS WASTE

1,† unchanged even though included in this rule	261.3(a)(2)(iv)					
	261.3(a)(2)(iv)(A)					
	261.3(a)(2)(iv)(B)					
	261.3(a)(2)(iv)(C)					
	261.3(a)(2)(iv)(D)					
	261.3(a)(2)(iv)(E)					
	261.3(a)(2)(iv)(F)					
	261.3(a)(2)(iv)(G)					

RCRA REVISION CHECKLIST 194: Mixture and Derived-From Rules
Revision II (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ add new subparagraph; any mixture of a solid waste excluded under 261.4(b)(7) & a hazardous waste listed in 261 subpart D solely because it exhibits a characteristic, is not a hazardous waste if it no longer exhibits a characteristic for which it was listed	261.3(g)(4)					

† Optional

¹ The October 3, 2001 rule contains potentially confusing information. In the preamble (p. 50332), it states that EPA inadvertently deleted subparagraphs A-G of 40 CFR 261.3(a)(2)(iv) in the May 16, 2001 rule (Revision Checklist 192 A) and is, therefore, reinserting the deleted subparagraphs. Additionally, on page 50333, the amendatory language states that 40 CFR 261.3 is amended by revising paragraph (a)(2)(iv). However, the May 16, 2001 rule does not contain instructions to remove 40 CFR 261.3(a)(2)(iv)(A)-(G). In comparison to the May 16, 2001 rule, the October 3, 2001 rule merely reprints 40 CFR 261.3(a)(2)(iv) intro and subparagraphs (a)(2)(iv)(A)-(G) unchanged.

Note that in the on-line version of the 2001 CFR, 40 CFR 261.3(a)(2)(iv) intro does not include the revisions from the May 16, 2001 rule but it does include subparagraphs (A)-(G).